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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1444/2017 & CM APPL No.46346/2017
RAM KUMAR

..... Petitioner

Through : Mr.Sheikh F.Kalia, Advocate

versus

RISHI PRAKASH

..... Respondent

Through : None

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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02.05.2019

This petition challenges order dated 11.09.2017 whereby an application under Order VII Rule 14 CPC filed by the petitioner was dismissed. It is the case of the petitioner that his late father namely Baleshwar Dayal had filed suit M22/2005 against Rishiprakash for recovery, possession, ejectment and mesne profits. While the said suit was pending, the father of the petitioner had unfortunately expired. The said suit i.e. M22/2005 was thus abetted. Admittedly, his late father did not execute any Will in favour of the petitioner herein in respect of the subject property admeasuring 200 sy.yds. bearing No.120, Block A, Vijay Nagar Colony, Bhawana, Delhi and thus he is only a co-owner of the said property. As per the petitioner the said property presently is in possession and occupation of the respondent namely Rishiprakash and he is not allowing the petitioner to occupy the same and hence has filed the suit of ejectment and possession in

the year 2005. However the application under Order VII Rule 14 CPC was moved in the year 2017 i.e. after about 10 years and has been rightly rejected by the learned trial court, primarily, on the issue of latches as also on the issue of relevancy since the civil suit filed by late father (already abetted) shall have no relevancy in the facts and relief in the present case. Thus there is no ground to interfere in the impugned order dated 11.09.2017. The petition along with pending applications stands dismissed.

YOGESH KHANNA, J.

MAY 02, 2019

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